United Nations A/C.4/61/SR.24

General Assembly
Sixty-first session

Official Records

Distr.: General
20 December 2006

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 24th meeting
Held at Headquarters, New York, on Wednesday, 8 November 2006, at 10 a.m.

Chairman: Mr. Acharya ..... (Nepal)

Contents

Agenda item 32: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

06-60782 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 32: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (*continued*) (A/61/327-331 and A/61/500)

1. **Mr. Song** Se-il (Democratic People's Republic of Korea) said that the Palestinian people's just struggle to recover their territory and achieve self-determination had been impeded by Israel and its political and military backers. The continuing military conflict between Israel and Palestine and the worsening humanitarian situation of the Palestine refugees was a matter of great international concern. The internationally endorsed settlement of the issues had not been implemented because of the occupying Power's expansionism and obstruction. Some United Nations members were seeking to have the items relating to the Middle East removed from the agenda of the General Assembly under the pretext of reform but actually in order to serve their own interests in that area. The issues must be settled in keeping with the interests of the Palestinian and Arab peoples, and in accordance with past General Assembly resolutions and international law.

2. **Mr. Elsherbini** (Egypt) said that Israel continued to violate international law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, by escalating its indiscriminate military incursions into the Occupied Territory, increasing frustration among Palestinians and blocking a comprehensive political solution. His delegation was deeply concerned by Israel's refusal to allow the Special Committee to investigate Israeli Practices affecting the Human Rights of the Palestinian People and of the Arabs of the Occupied Territories to visit the Occupied Territory.

3. A number of considerations contained in the report of the Special Committee needed to be addressed. The international community should become more involved in the human rights situation in the Occupied Territory, in particular the unprecedented rise in anger and misery levels and the feeling among Palestinians that they had been neglected by the international community. The General Assembly should support the Human Rights Council's urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Council's call for Israel to exercise restraint in its military activities. Israel should respect the Agreement on Movement and Access and internationally accepted standards for human rights, including the International Covenant on Civil and Political Rights. In view of Israel's construction of the separation wall, isolating the Palestinian people and defying the advisory opinion of the International Court of Justice, his delegation welcomed the Register of Damage established pursuant to General Assembly resolution ES-10/15. Israel should withdraw from all Occupied Territory, including the occupied Syrian Golan, occupied in violation of Security Council resolution 497 (1981).

4. Violence had not and would not grant Israel the security it sought, nor had it improved the situation of the Palestinian people. His delegation called on the international community and the Quartet to ensure that Israel implemented its obligations under the road map. Egypt remained committed to a negotiated two-State solution and would continue to support efforts to establish just and lasting peace in the Middle East.

5. **Mr. Alshami** (Yemen) said that the report of the Special Committee clearly reflected the unprecedented deterioration of the human rights situation in the Occupied Palestinian Territory as a result of Israel's aggression and its policy of collective punishment. It continued to construct its separation wall, disregarding the condemnation of the International Court of Justice and the General Assembly. The Territory was facing increasing economic difficulty not only because of the suspension of donor aid but also because of the Israeli refusal to pay the tax revenues that were due to the Palestinian Authority. The residents of the occupied Syrian Golan as well were suffering because of Israel's illegal practices. Yemen strongly condemned the massacre committed earlier that day in Beit Hanun in the Gaza Strip as an act of State terrorism. Such heinous crimes being committed by Israel in full view of the world would only create more conflict, tension and instability. The United Nations must shoulder its responsibilities and act to put an end to them.

6. A just, comprehensive and lasting peace would not be established in the region until Israel withdrew to its pre-1967 borders, until the Palestine refugee problem was resolved justly in accordance with United Nations resolutions, and until a sovereign Palestinian State, with Jerusalem as its capital, as called for in the Arab Peace Initiative and successive United Nations

resolutions, was established. The international community should act on the Arab request to revive the peace process in order to end an occupation that had lasted too long. Until then, Israel, as occupying Power, should abide by the Fourth Geneva Convention.

7. The Special Committee, which did much to expose Israeli practices, should carry on with its work and any obstacle to its full performance should be removed. Yemen supported the Special Committee's recommendations regarding the dispatch of an urgent fact-finding mission headed by the Special Rapporteur of the Human Rights Council, the payment of compensation by Israel for the damage it had inflicted in the Occupied Palestinian Territory, and the consideration of sanctions against Israel by the Security Council if it persisted in disregarding its international obligations.

8. **Mr. Mubarak** (Libyan Arab Jamahiriya) expressed regret that the Special Committee had been unable to perform its work properly because of lack of funds and because of restrictions placed upon it by Israel.

9. The tragedy of the Palestinian people was as old as the Organization itself. The situation in the Occupied Palestinian Territory was deteriorating daily. The Special Committee had calculated that Israel had committed almost 60,000 violations over the past two years, killing almost 700 people and injuring over 3,000 others. It had established thousands of checkpoints, confiscated thousands of hectares of land, committed extrajudicial killings, demolished homes, and built the separation wall, which was having a deleterious impact on all aspects of life in the Territory. There was also the tragic situation of the detainees — over 700,000 prisoners since 1967, equivalent to 25 per cent of the entire Palestinian population. Currently more than 10,000 were being held, including women, children and political leaders. A psychologist was needed to explain how a people who had been the victim of criminal acts in the past century could perpetrate such crimes now against Palestinians.

10. He wondered why the international community was silent, as it watched the violation of principles it had always upheld. Some nations, clearly following a political agenda, practised a doubled standard, raising an outcry if any Israeli interest was attacked but showing no care as the human rights of the Palestinians were trampled.

11. The international community had failed to stop Israel from carrying out its own well-known agenda. A new way must be found to deal with all aspects of the Palestinian question, and Israel must be held to its obligations under international conventions, especially the Fourth Geneva Convention. It must halt settlement activity and stop construction of the separation wall. The fact that Israeli troops had withdrawn from the Gaza Strip had not affected its status as an occupied Territory. The situation in the occupied Syrian Golan was no less tragic: there, Israel was imposing its laws and its control in an attempt to wipe out Arab identity, exploiting the resources of the land and using it as a dumping-ground for nuclear waste.

12. His Government also supported the recommendations of the Special Committee regarding an urgent fact-finding mission headed by the Special Rapporteur and the consideration of sanctions against Israel by the Security Council. Lack of funds should never be used as a pretext for failing to support the Special Committee's investigative work, since resolution 60/104 had called upon the Secretary-General to provide that Committee with all necessary facilities.

13. **Mr. Al-Zayani** (Bahrain) observed that the Special Committee's report shed light on the state of affairs in the Occupied Palestinian Territories, but by shutting the door on the Committee, Israel had undermined its ability to collect full information and monitor what was happening in the field. The information was alarming: economic deterioration, rising tension as Israel intensified its oppression in order to curb the aspirations for liberation of the Palestinians in the Gaza Strip and the Syrians in the Golan.

14. The Human Rights Council had been prompted to hold a special session in July, at the close of which it had expressed its concerns in resolution S-1/1. Yet the attacks on peaceful Palestinian civilians, unrestrained by any moral or legal considerations, had only grown more vicious, backed by highly accurate and sophisticated weapons. The Arab League Council had remained in session during the current month in order to continue to monitor the Israeli attacks on Gaza, having issued a strong condemnation of recent Israeli aggression, which was further proof of Israel's insistence on shattering the peace process and spreading chaos and instability in the region.

15. The occupation was in itself a violation of human rights. The Israeli policy of annexation was illegitimate and contrary to the 1907 Hague Convention, the Fourth Geneva Convention, and the various General Assembly and Security Council resolutions declaring Israeli settlements illegal and reaffirming the application of the Fourth Geneva Convention in the territories occupied by Israel since 1967.

16. Israel had nevertheless further entrenched itself by continuing to build the separation wall along a route that would encircle 40 additional kilometres of Palestinian land, including a section around Jerusalem, thus changing the nature and status of the city in violation of Security Council resolution 478 (1980), and despite the international condemnation of the entire project by the International Court of Justice and the General Assembly. Both the Special Rapporteur and the Special Committee had detailed in their reports the impact of the wall on all aspects of Palestinian life. Israel claimed that the purpose of building it was to prevent terrorist attacks, but it was doing so purely out of political, not security, considerations.

17. In the occupied Syrian Golan, Israel had also entrenched itself, imposing its laws, jurisdiction and administration in an attempt to change its character and legal status as part of an annexation which various United Nations resolutions had declared null and void. Ignoring the international community, Israel had pursued its policies, building settlements, confiscating land, systematically erasing the Arab culture, exploiting the Golan's water resources, planting landmines along the buffer zone and burying its nuclear wastes there.

18. The United Nations had long proclaimed the inalienability of the right to self-determination and called for peace throughout the world. Peace was therefore a strategic option in the Palestinian and other Occupied Territories: it would require Israeli compliance with international treaty obligations, full implementation of United Nations resolutions, especially Security Council resolution 242 (1967) and resolution 338 (1973), observance of the land-for-peace principle, the Quartet road map and the Arab Peace Initiative, and the establishment of a Palestinian State with East Jerusalem as its capital.

19. **Mr. Al-Henzab** (Qatar) said the Special Committee's report showed that levels of frustration and anger had reached unprecedented levels; it was therefore imperative to step up efforts to find a solution in accordance with General Assembly and Security Council resolutions. Israeli practices were depriving the Palestinian people of their fundamental rights. The standard of living had deteriorated following the decision to inflict collective punishment on the Palestinian people for daring to exercise their democratic right to elect a Hamas Government by suspending financial assistance to the Palestinian Authority. According to the report, Israel continued to use excessive military force against civilians, carry out extrajudicial killings, destroy property and treat Palestinian and other Arab detainees in an inhumane manner. Those actions represented a flagrant breach of international law, Security Council resolutions and the Fourth Geneva Convention and should be stopped immediately. In violation of international law, Israeli authorities continued to build settlements in the Occupied Palestinian Territories. Those settlements and the construction of the separation wall were impeding efforts to find a just and comprehensive peace solution. Israel should comply with the advisory opinion of the International Court of Justice and United Nations resolutions and halt the construction of the separation wall.

20. The General Assembly had repeatedly indicated that Israel's practices in relation to the occupied Syrian Golan were illegal and had called on its Government to comply with Security Council resolution 497 (1981). Israel must be made to comply with General Assembly and Security Council resolutions because non-compliance undermined the credibility of both the resolutions and the Organization. It was important to disseminate information about the Special Committee and, in that connection, the role of the Department of Public Information was indispensable. The United Nations web page on the question of Palestine and the United Nations Information System on the Question of Palestine were both useful. His delegation welcomed the Organization's coverage of the work of the Special Committee on the radio and in printed news articles. Efforts to find a just and lasting solution to the question of Palestine in accordance with international law, Security Council resolutions and the road map must be stepped up. In order to find such a solution, Israel should withdraw from the Occupied Palestinian Territories and occupied Syrian Golan and the Palestinian Authority should prevent all attempts to commit acts of violence against Israeli civilians.

21. **Mr. Sinha** (India) said his delegation had hoped that positive developments in 2005 and 2006 would lead to a redefinition of long-standing positions in the conflict, but those hopes had been dashed by the reluctance of the international community to recognize the elected Palestinian Government, the almost-complete suspension of international aid, Israel's non-payment of taxes and revenues to the Palestinian Authority and the near collapse of the Palestinian economy. Palestinian militants had resumed attacks and Israel's disproportionate retaliation for the abduction of a soldier had made it increasingly difficult to attain peace.

22. The report contained in A/61/500 outlined a number of human rights violations against the Palestinian people, including collective punishment, the separation wall, and the devastation of the Palestinian economy and civilian infrastructure. The Special Committee had been unable to visit the Occupied Territory, occupied Syrian Golan or, indeed, the Middle East at all. Lack of access to the region made collecting information difficult, and was cause for concern given the unprecedented levels of anger and frustration among Palestinians that had caused many in the region to question the role of the United Nations. As support for the Palestinian cause was central to the foreign policy of India, it had extended material and technical assistance, including in the infrastructure and pharmaceuticals sectors, to alleviate the humanitarian crisis. India welcomed the continuation of the Temporary International Mechanism to channel need-based assistance directly to Palestinians.

23. India condemned all acts of terrorism, incitement to violence and harsh and disproportionate retaliatory measures, and called on all parties to exercise restraint, reject violence and return to negotiations. Violence was not the solution to the conflict. Political dialogue was the only path to peace through the two-State solution. He called for urgent measures within the framework of the road map to improve security, the humanitarian and economic conditions of the Palestinian people, and to achieve the lasting solution of two peacefully coexisting States. He hoped that the Quartet and the regional parties would help to end the cycle of violence, remove restrictions on the normal functioning of the Palestinian economy and society, and help to usher in lasting peace.

24. **Mr. Ali** (Malaysia) said that his delegation fully endorsed the statements made by the representatives of Palestine and the Syrian Arab Republic, and was committed to the exercise by the peoples in the Occupied Territory and the occupied Syrian Golan of their inalienable right to self-determination. The report of the Special Committee indicated that the policies of the Government of Israel continued to adversely affect the humanitarian situation in the Occupied Territory, and aggravate the situation on the ground. The Government of Israel's continued refusal to cooperate with the Special Committee was counter-productive as it deprived Israel of the opportunity to express its views directly to the Special Committee. Israel should grant the Special Committee access to the Occupied Territory and should respond to the General Assembly's requests for information concerning the steps it had taken to implement General Assembly resolutions 60/105, 60/106 and 60/107. Israel deliberately withheld information on the actual humanitarian situation of the residents of the Occupied Territory from the international community, yet despite that lack of cooperation, it accused the Special Committee, which made the concerted effort to ensure that its work was impartial and accurate, of bias.

25. The continuing construction of the separation wall, which the International Court of Justice had declared contrary to international law, was a deliberate act of Israel to annex territory under the guise of self-defence and security. Israel must comply with General Assembly resolution ES-10/15 and stop construction of the wall, dismantle existing portions thereof and pay reparations to those affected by it.

26. Disproportionate military measures and harsh policies had caused further anguish and pain to an already oppressed population. Restrictive Israeli policies clearly demonstrated the desire of the occupying Power to control and suppress the lives of the residents of the Occupied Territory. The international community had to recognize that the unjust policies had persisted for too long. All methods to address and reverse the situation must be explored without delay. The Special Committee continued to play an indispensable role and the General Assembly should explore innovative ways in line with current realities, to fulfil the responsibilities and extend the mandate of the Special Committee until the human rights violations committed by Israel against the people

of the Occupied Territory had ceased and Israeli occupation had ended.

27. **Mr. Gómez González** (Bolivarian Republic of Venezuela) welcomed the report of the Special Committee, which had carried out its mandate despite extreme violence and a number of obstacles imposed by the Government of Israel, including denying the Special Committee access to the region in defiance of the international community and the United Nations.

28. His Government was alarmed by recent events in the illegally Occupied Territories and Lebanon and by Operation Summer Rain, and condemned all acts of violence. Israel continued to claim legitimate defence as justification for its actions. Yet, legitimate defence and proportionality were linked; the former was a cause for justification while the latter was an element of the former. If acts of legitimate defence were excessive, they were no longer legitimate and therefore Israel could not justify its continued harsh policies against the unarmed civilian population.

29. Israel continued to act with impunity knowing that it could count on the United States of America to veto the use of mechanisms established under the Charter of the United Nations to protect the human rights of the Palestinian people in the Occupied Territories. His Government condemned the invasion of the territory of any State. The United Nations should continue its work to achieve lasting peace in the region and should continue to adopt measures to rectify the situation of those long-suffering and heroic peoples. The international community should use appropriate measures so Israel would listen to reason. He called on the parties to resolve the crisis peacefully.

30. **Ms. Ziade** (Lebanon) said that although Israel claimed to be a democratic State waging war against terrorism, it was instead violating international humanitarian law and human rights. It should not persist in practices that had been internationally condemned — such as its occupation of Palestinian lands, its starvation, killing and displacement of Palestinians, its closing of Gaza checkpoints, or its building of a separation wall. The number of barricades had risen by 40 per cent in the past year; the killings had soared; the Israeli siege of the Gaza Strip had left three quarters of the inhabitants in poverty; even the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) had been prevented from doing its work. The maintenance of peace and security demanded that the Special Committee fulfil its mandate and that Israel facilitate its work by cooperating with it.

31. The Syrian Golan had been occupied by Israel since 1967 and half a million of its inhabitants had been displaced by Israeli settlements. Since 1981, Israel had decided to impose its own laws, jurisdiction and administration in the occupied Syrian Golan even though the Security Council had declared that decision null and void in resolution 497 (1981). In Lebanon, the Israeli attack in the summer of 2006 had caused untold millions of dollars in damage, killed thousands, and injured and displaced thousands of others.

32. The peoples of the region deserved to enjoy prosperity in dignity and to live in peace, security and stability, looking forward to a better future. A comprehensive peace between the Arab nations and Israel could be achieved if the Arab Peace Initiative adopted in 2002 at the Arab League summit meeting in Beirut were implemented and international legality restored.

33. **Mr. Cohen** (Israel), speaking in exercise of the right of reply, said that Israel had left the Gaza Strip so that the Palestinians could control terrorist activities there and regulate their own lives, but instead terrorist groups had relentlessly begun firing rockets at Israeli population centres. Israel had no desire to harm innocent people but only to defend its citizens. Unfortunately, in the course of battle, such regrettable incidents as the one that had taken place in Gaza that morning did happen. Israel had expressed its regret over the death of Palestinian civilians in Beit Hanun. It had offered the Palestinian Authority urgent humanitarian assistance and immediate medical care for the wounded. Furthermore, its Defence Minister had ordered an investigation and a halt to artillery fire in the Gaza Strip until the completion of the inquiry into the circumstances, background and considerations that had led to the tragic result.

34. **Mr. Kanaan** (Observer for Palestine), speaking in exercise of the right of reply, said that early that morning Israeli tanks had deliberately shelled homes in Beit Hanun and killed 18 civilians, 14 of them women and children, and wounded more than 45 others. Israeli occupying forces had destroyed over 50 homes in Beit Hanun and damaged over 400 others as well as public utilities. The Israeli delegation had expressed regret

over that brutal massacre, but there could be no justification for bombarding homes.

35. Israel must be held accountable for such war crimes and State terrorism. Unfortunately, the international community's silence was encouraging it to violate international law with impunity and with total disregard for innocent lives. The international community must act now: the only way to re-establish peace and stability in the region was to end the Israeli occupation and aggression.

36. **Mr. Malecki** (Islamic Republic of Iran), speaking in exercise of the right of reply, expressed deepest condolences for the deaths of so many Palestinians that very morning. The Israeli delegation, at the end of three days of debate in the Committee regarding Israeli practices, had simply made an apology — implying that the Committee could say what it wanted but that Israel would go its own way.

37. **Mr. Taleb** (Syrian Arab Republic), speaking in exercise of the right of reply, observed that the Israeli representative had described the killing earlier that day of a score of Palestinian civilians — the kind of persons whom Israel called terrorists and a threat to the State — simply as an incident. Its well-known belligerence had led it to commit such a massacre even as the Committee was discussing Israeli practices, confirming the need for collective action to hold Israel accountable.

38. **Mr. Cohen** (Israel), speaking in exercise of the right of reply, said that again the Committee was being treated to lectures by the Islamic Republic of Iran and the Syrian Arab Republic, the world experts on terrorism. Those two countries had armed Hezbollah and trained its members to use their methods of terrorism. The leader of Hamas was harboured in Damascus and orders were being given to Islamic Jihad and to Hamas not to abide by the Quartet road map and work with Israel towards peace.

39. His Palestinian colleague had failed to mention the constant rocket launchings from civilian residential areas in the Gaza Strip — over 1,000 rockets had struck Israel since the Israeli disengagement. He again expressed his Government's regret over the tragic incident earlier that day, which was being investigated in the hope that all could then move forward.

40. **Mr. Malecki** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that Israel, a dark and cruel regime that violated human rights, engaged in State terrorism, slaughtered innocent people and conspired against neighbouring States, had no right to speak about human rights and democracy. Having since its inception sought to wipe Palestine off the map, Israel had perpetrated the real holocaust. In world opinion, the name of Israel was synonymous with terrorism.

41. **Mr. Taleb** (Syrian Arab Republic), speaking in exercise of the right of reply, said that before the establishment of the Israeli entity, terrorism had been unknown in the Middle East. He pointed out that Hamas needed to maintain offices in Damascus in order to pursue its legitimate right of resistance to the Israeli occupation.

42. **Mr. Kanaan** (Observer for Palestine), speaking in exercise of the right of reply, and reminding the Israeli delegation that Israel was the only member of the United Nations termed an occupying Power, said that Israel was committing war crimes and State terrorism. As against one Israeli captive soldier, there were 10,000 Palestinian prisoners, including women and children, in Israeli jails. The rocket launchings into Israel were more than offset by the excessive, disproportionate and indiscriminate use of force against the Palestinian civilian population. It was to be hoped that one day Israel would realize that its occupation and aggression were the cause of the problems in the region.

The meeting rose at 12.10 p.m.